

TALKING POINTS FOR VOTER ID PANEL

- Everybody in this room knows this is an issue Republicans are trying to use to gain electoral advantage. Even Republican strategist Royal Masset acknowledged that a photo ID bill would increase Republican performance by 3%. That is, 3% of the total vote that was Democratic, would be effectively disenfranchised.
- As my friend Gerry Hebert said at a hearing on this issue on the House side to Republican Chairman Leo Berman, you'll either have the votes or you won't. I am confident that in the Senate we will have the votes to block.
- There is some concern that the Lt. Gov will suspend the 2/3 rule and bring this to the floor. He nearly did it last session and the pressure will be on him to do so this time, too, with a Republican primary for Governor less than a year away at that point.
- There was a lot of gnashing of teeth after the Supreme Court decision came out. A lot of people were upset with Justice Stevens for siding with Chief Justice Roberts and Justice Kennedy.
- But if you look at the opinion, Stevens might have actually done something very clever. By joining Roberts and Kennedy, he was able to pen an opinion that left the door open to specific cases in which a voter is disenfranchised.
- For example, look no further than Indiana, which was the subject of the Supreme Court case. At the time of the hearing, the Democratic Party of Indiana had no specific cases of disenfranchisement to cite. They were talking in hypotheticals.
- After the high profile primary held there just after the ruling came out, there was a widely publicized story about nine nuns that had no proof of identity and could not vote.
- Under Stevens' opinion, the door is left open to a challenge for these nuns, or any other individual or groups that are disenfranchised. Had he not joined the majority, a 5-4 decision penned by Roberts, or worse Scalia, would certainly have firmly closed the door to any future challenges.
- To the merits of the arguments: We know now, based on the conclusion of Attorney General Abbott's investigation, that there is very little, if any, voter fraud that a photo ID requirement would stop. After \$1.4 million spent and two years worth of investigating, there were no cases—zero—in which voter impersonation occurred.

- Also, Harvard Law Review published an extremely significant essay in their May issue that I think we all need to be familiar with and talk about.
- Since photo ID does not stop fraud, the only somewhat decent rationale Republicans had for it was that it would restore confidence in the election system. A dozen briefs filed in the Supreme Court case made this untested assertion. The state of Indiana's brief, for example, contained an entire section entitled "The need to preserve public confidence in elections justifies the Voter ID Law".
- In the study published in the Harvard Law Review, the researchers—spread out over 37 universities—questioned over 36,000 people. The surveyed Republicans and Democrats, balanced for gender, race, socioeconomic status, etc.
- They found that a photo ID would not bolster confidence or participation in the electoral system in America. They varied the questions for fairness, but it didn't matter how they asked it, photo ID did not increase confidence.
- The House had its hearing on photo ID last January. Senate State Affairs, on which I serve, will have its hearing sometime before session. I can assure you that Texas Senate Democrats will fight photo ID just as we did last session.
- We will need your help to get the word out to the public that photo ID is a tool to disenfranchise and does nothing to solve any actual problem. Our biggest obstacle is still that to passive observers this seems reasonable. Most people don't know that there are literally millions of Americans that have no photo ID. We need to make sure they know.
- Also, I think we need to push proactively for an agenda of securing and expanding the vote. We can help security by requiring a voter verified paper trail for electronic machines. And we can expand the vote by following North Carolina's lead on allowing eligible voters to register and vote on the same day during the early voting period. Election day voter registration won't pass given the current make-up of the Legislature, but allowing registration during the early voting period might be a compromise the other side can take.
- The real problem with our election system is not voter impersonation, which is the only type of voter fraud stopped by a photo ID. The real problem is low participation rates. We need to be bringing more people into the process, not shutting them out.

TEXAS Grants -- We need to do more to open the door to college

To open the doors to college to more young Texans, in 1999 I passed legislation creating the TEXAS Grants program. TEXAS Grants provide tuition and fees to students who have taken the *Advanced* or *Recommended* curriculum in high school. By every account, the program has been a runaway success.

In 2000, the first year of the program, nearly 11,000 students received a TEXAS Grant to pay for college; by 2002 68,178 students received a TEXAS Grant -- every eligible student. Unfortunately, frozen funding beginning in 2003 and the devastating impact of tuition deregulation has left more and more students on the sideline.

In 2003, we faced a \$10 billion budget shortfall and had to make some very difficult cuts. During the worst of times, we asked Texans to sacrifice but we also sacrificed some people. We made a promise that, when the economy improved, we would restore those cuts and build a stronger foundation for Texas families.

Last month, with a \$14 billion surplus, the legislature passed a \$150 billion budget, but we still have still not brought the TEXAS Grant program back to where they should be. We are still sacrificing middle class and low-income Texans in the best of times.

Now, we did make some progress. We did increase TEXAS Grant funding from \$334 million to \$427 million, and more than 35,000 additional students will receive aid to go to college. But, despite those increases, fewer students will receive a TEXAS Grant next year than received a TEXAS Grant in 2002, and almost 200,000 fewer children will be served under CHIP than in 2002. That is just not acceptable to me. I think we could have done a lot better.

Next session I will continue to push for full funding of the TEXAS Grants program to ensure that every eligible student, every child who is working hard and playing by the rules gets what we promised them.

Ending Tuition Deregulation

One of the biggest factors in the dwindling number of TEXAS Grants (not to mention the virtual elimination of the Texas Tomorrow Fund) is the skyrocketing cost of college tuition. Since 2003, when tuition deregulation was passed, tuition has increased by 80 percent, with no end in sight. It is simple math: if tuition goes up, each TEXAS Grant costs more money. We are not putting enough money in to keep up with the cost of tuition deregulation.

Let's look at the raw numbers. In spring 2003, the statewide average designated tuition was set at \$550 per semester (15-hours). In fall 2003 -- the last semester in which the legislature had control of setting tuition rates -- the statewide average was \$625. By spring 2004, the average had risen to \$715 per semester; fall 2006, the statewide average has soared to \$1,128. The cost at our flagship and major public universities is even higher, with tuition increasing by more than 100 percent at the University of Texas at Austin and Texas A&M University.

Higher education in Texas was once one of the best bargains in the nation; now, we are one of the least affordable. The cost of going to college in Texas now exceeds the national average; when you take into account the median income in Texas is below the national average, it is no wonder why Texas now receives an "F" when it comes to college affordability. If we continue down this path, allowing tuition to go up and up and up, fewer and fewer Texas families will be able to afford the rising cost of college.

To deal with this issue, I filed several bills -- SB 96, SB 577, SB 578, and SB 579 -- to reign in tuition deregulation, from capping it at 5 percent per year to virtually eliminating it after 2009. Unfortunately, each bill failed to pass the Senate.

This issue is not going to go away. More and more Texas families are feeling the pinch of skyrocketing college costs and a severe crisis is blooming. I predict we will be back here in two years talking wrestling with this issue again.

Protecting our right to vote/ staving off voter ID

Like last session, I helped defeat plans to enact voter intimidation laws in Texas, so-called Voter ID efforts that are nothing more than Jim Crow, dressed up a bit for the 21st Century.

These bills would have made it much more difficult for elderly, low-income and minority Texans to vote. Under these provisions, voters would be required to a voter registration card *and* picture identification or two forms on non-picture identification in order to vote. The fact of the matter is that those calling for these new laws cannot point to a single case of fraud where requiring an ID would have had an impact, but we have study after study after study showing that ID laws dramatically reduce turnout, especially for the elderly, African Americans and Hispanics.

I'm going to fight voter ID as long as I'm in office. We won't go back.